

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13156 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

LALJIBHAI CHIMANLAL BHAVSAR

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 13156 of 2004
MR VIJAY N RAVAL for Petitioner No. 1
MR JITENDRA MALKAN for Respondent No. 1
NOTICE SERVED BY DS for Respondent No. 1
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CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 15/10/2004

ORAL JUDGEMENT

1. Rule. Mr.M A Shaikh, ld. Additional Central

Government Standing Counsel waives service of rule. At the request of learned counsel for the parties the petition is finally heard today.

2. The petitioner states that through inadvertence his date of birth is wrongly mentioned in the Passport and the respondent authority has refused to entertain his request to correct the said mistake. According to the petitioner, the correct date of birth is 15.06.1946 instead of 17.06.1946 in the Passport.

3. Learned counsel for the respondent states that in the birth certificate of the petitioner, at Annexure-E to the petition, the name of the petitioner is mentioned as Bhanubhai, whereas, the petitioner claims himself to be Laljibhai. On perusal of the said certificate, in column 8 it has been mentioned that the name of the father of the petitioner is Chimanlal Keshavlal Bhavsar.

4. Mr. Shaikh has submitted that no change in the passport is effected, but for making any correction in the passport, a new passport is normally issued by the authority with correct details, if the authority is satisfied with the genuineness of the data to be corrected.

5. Having heard the parties and looking to the facts and circumstances and also the material placed on record, the respondent is directed to look into the case of the petitioner on the basis of the evidence already adduced or which may be adduced by the petitioner in support of his case. The respondent shall take appropriate decision in accordance with law after considering the relevant evidence adduced before him and shall pass an appropriate order as expeditiously as possible.

6. As the respondent authority will have to undertake the exercise of scrutinizing the case of the petitioner afresh because of the default committed by the petitioner in not placing correct facts at an earlier point of time, a sum of Rs. 5,000/- is ordered to be paid by the petitioner to the respondent authority by way of costs.

7. Accordingly, the petition is allowed to the aforesaid extent. Rule is made absolute. D.S. permitted.

(K. S. JHAVERI J.)
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